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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/734,297

12/15/2003

Hitoshi Ohgane

106145-00075

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7590

08/30/2006

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EXAMINER

YOON, TAE H

ART UNIT

PAPER NUMBER

1714

DATE MAILED: 08/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/734,297

Applicant(s)

OHGANE ET AL.

Examiner

Tae H. Yoon

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1714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Mientus et al (US 6,770,360).

Mientus et al teach a multilayered thermoplastic film, either clear or pigmented, in abstract and at col. 3, lines 20-50. Said thermoplastic film is taught as unoriented (line 43). Mientus et al teach employing antiblock additives such as glass spheres and silica at col. 9, lines 38, and said sphere and the instant bead are same and . Also, said glass sphere and silica meet the instant orientation inhibitor since silica (silicon dioxide) is an extender. Thus, said unoriented film containing pigments and said glass sphere inherently contains unoriented pigments since pigments would not be oriented in unoriented polymeric film.

Thus, the invention lacks novelty.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as obvious over Mientus et al (US 6,770,360) in view of Fritz (Su 2003/0027919 A1) and further in view of Huyhrechts et al (US 2004/0116645 A1) and Good et al (US 5,731,374).

The instant invention further recites average diameter of said orientation inhibitor such as glass spheres over Mientus et al. However, the use of glass spheres having the instant diameter in a coating composition is known as taught by Fritz, abstract and [0022]. Huyhrechts et al teach silicon dioxide (silica) as an extender for pigments in [0057] supporting the examiner's position in above. Good et al teach silica having a particle size of 4 microns as an extender in table on col. 7, Item 6.

Thus, it would have been obvious to one skilled in the art at the time of invention to utilize glass sphere having the instant diameter taught by Fritz in Mientus et al since Mientus et al teach employing glass spheres encompassing various diameters and since the use of glass spheres having the instant diameter in a coating composition is well known, or to utilize silica having the instant diameter in the pigmented film composition of Mientus et al with teaching of Huyhrechts et al and Good et al since the use of micronized inorganic components in a polymeric composition is a routine practice in the art absent showing otherwise.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as obvious over Ellison et al (US Re 35,970) in view of Mientus et al (US 6,770,360), Huyhrechts et al (US 2004/0116645 A1), Good et al (US 5,731,374) and Fritz (Su 2003/0027919 A1).

Ellison et al teaches pigmented, unoriented polymeric film at col. 3, lines 36-39.

The instant invention further recites orientation inhibitors over Ellison et al. However, the use of antiblock additives such as glass spheres and silica is well known as taught by Mientus et al. Also, the use of silica having a particle size of 4 microns as an extender is well known as taught by Huyhrechts et al. The use of glass spheres having the instant diameter in a coating composition is known as taught by Fritz, abstract and [0022]. Good et al teach silica having a particle size of 4 microns as an extender in table on col. 7, Item 6.

Thus, it would have been obvious to one skilled in the art at the time of invention to utilize glass sphere having the instant diameter taught by Fritz in Ellison et al since Ellison et al teach employing glass spheres encompassing various diameters and since the use of glass spheres having the instant diameter in a coating composition is well known, or to utilize silica having the instant diameter in the pigmented film composition of Ellison et al with teaching of Huyhrechts et al and Good et al since the use of micronized inorganic components in a polymeric composition is a routine practice in the art absent showing otherwise.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tae H. Yoon whose telephone number is (571) 272-1128. The examiner can normally be reached on Mon-Thu.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Tae H Yoon  
Primary Examiner  
Art Unit 1714

THY/August 22, 2006